

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

FIFTY-FOURTH (EXTRAORDINARY) SESSION

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LINCOLN, NEBRASKA

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MEMBERS

Dist.	Name	Post Office	Occupation	Counties
1	Joseph C. Reavis.....	Falls City	Lawyer	Johnson, Pawnee, Richardson
2	Frank Sorrell.....	Syracuse	Auctioneer, Real Estate and Insurance.....	Otoe, Nemaha
3	Fred L. Carsten.....	Avoca	Farmer	Sarpy, Cass
4	William J. Norman.....	Omaha	Publisher	Douglas
5	John Adams, Jr.....	Omaha	Attorney at law.....	Douglas
6	Sam Klaver.....	Omaha	Attorney and Publisher....	Douglas
7	Charles F. Tvrdik.....	Omaha	Accountant	Douglas
8	Peter P. Gutoski.....	Omaha	Lawyer	Douglas
9	Amos Thomas.....	Omaha	Attorney at law.....	Douglas
10	Ernest A. Adams.....	Omaha	Broker	Douglas
11	Richard N. Johnson.....	Fremont	Lawyer.....	Dodge, Washington
12	E. M. Von Seggern.....	West Point	Editor and Publisher.....	Cuming, Burt
13	J. B. Rossiter.....	Walthill	Banker	Dakota, Thurston, Dixon
14	Martin J. Mischke.....	Crofton	Farmer and Rancher.....	Cedar, Knox
15	Carl H. Peterson.....	Norfolk	Attorney at law.....	Pierce, Madison
16	Emil E. Brodecky.....	Howells	Farmer	Stanton, Wayne, Colfax
17	M. E. Westley.....	Brainard	Cafe Owner, Barber.....	Butler, Saunders
18	James E. Reed.....	Lincoln	Farmer	Lancaster
19	George I. Craven.....	Lincoln	Lawyer	Lancaster
20	Lester L. Dunn.....	Lincoln	Lawyer	Lancaster
21	John S. Callan.....	Odell	Hardware, Implements.....	Gage
22	J. Lyndon Thornton.....	Fairbury	Retired Postmaster.....	Thayer, Jefferson
23	John E. Mekota.....	Crete	Lawyer	Fillmore, Saline
24	W. H. Diers.....	Gresham	General Merchandise.....	York, Seward

MEMBERS (Concluded)

Dist.	Name	Post Office	Occupation	Counties
25	*Ray Thomas	Clay Center	Hatchery	Hamilton, Polk, Clay
26	Tom Lambert	Columbus	Oil Business	Nance, Platte
27	Edwin Schultz	Elgin	Farmer	Antelope, Boone
28	Frank J. Brady	Atkinson	Coal, Grain, Feed	Holt, Boyd, Keya Paha, Rock
29	John F. Doyle	Greeley	Merchant	Wheeler, Greeley, Valley, Howard
30	Alva M. Johnston	Doniphan	Farmer	Hall, Merrick
31	Leland R. Hall	Roseland	Banker	Kearney, Adams
32	Daniel Garber	Red Cloud	Farmer	Franklin, Webster, Nuckolls
33	E. M. Neubauer	Orleans	Farmer	Harlan, Furnas, Red Willow
34	Fred A. Mueller	Kearney	Automobile Dealer	Buffalo, Sherman
35	A. C. Van Diest	Taylor	Rancher	Custer, Loup, Garfield
36	Swan Carlson	Funk	Farmer	Dawson, Gosper, Phelps
37	Hugh B. Ashmore	Palisade	Farmer	Perkins, Chase, Hayes, Dundy, Hitchcock
38	Charles R. Herrick	Curtis	Farmer	Lincoln, Frontier
39	R. M. Howard	Flats	Rancher	Keith, Deuel, Garden, Arthur, Grant, Hooker, McPherson, Thomas, Logan, Blaine
40	George B. Gross	Valentine	Lawyer	Cherry, Sheridan, Brown
41	Harry E. Gantz	Alliance	Attorney at law	Dawes, Box Butte, Sioux
42	L. B. Murphy	Scottsbluff	Merchant	Scotts Bluff
43	A. L. Miller	Kimball	Physician and Surgeon	Banner, Kimball, Cheyenne, Morrill

*Appointed January 2, 1940, by Governor Cochran to fill vacancy created by death of Jay Hastings, November 14, 1939.

APPORTIONMENT

Congressional Districts

First District consists of the counties of Cass, Otoe, Nemaha, Richardson, Pawnee, Johnson, Lancaster, Seward, Butler, Saunders and Gage.

Second District consists of the counties of Sarpy, Douglas and Washington.

Third District consists of the counties of Burt, Thurston, Dakota, Dixon, Cuming, Dodge, Colfax, Stanton, Wayne, Cedar, Knox, Pierce, Madison, Platte, Nance, Boone, Antelope, Boyd, Holt, Wheeler, Greeley and Merrick.

Fourth District consists of the counties of Hall, Adams, Webster, Franklin, Kearney, Phelps, Harlan, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Hayes, Perkins, Chase, Dundy, Nuckolls, Saline, Jefferson, Polk, York, Fillmore, Thayer, Hamilton and Clay.

Fifth District consists of the counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Cheyenne, Sheridan, Deuel, Cherry, Grant, Arthur, Keith, Lincoln, McPherson, Hooker, Thomas, Logan, Dawson, Custer, Blaine, Brown, Keya Paha, Rock, Loup, Garfield, Valley, Sherman, Buffalo, Howard, Garden and Morrill.

Legislative Districts

District No. 1. The counties of Johnson, Pawnee, Richardson.

District No. 2. The counties of Otoe and Nemaha.

District No. 3. The counties of Sarpy and Cass.

District No. 4. Includes the following territory in the county of Douglas and the city of Omaha: All north of Bedford Avenue to Evans St. between 43rd, and 48th St.; all north of Evans St. between 44th St. and 48th St.; all north of Paxton St. between 44th St. and Florence Blvd.; all north of Ames Ave. between Florence Blvd. and the eastern corporate limits.

District No. 5. Includes the following territory in the county of Douglas and the city of Omaha: All north from Blondo Street to Lake between 49th and 50th Streets; north from Charles to Lake between 48th and 49th Streets; north from Charles to Bedford Ave. between 43rd and 48th Streets; north from Charles to Evans between 36th and 43rd Sts.; north from Evans to Paxton between 36th and 44th Streets; north from Cuming to Paxton St. between 30th and 36th Streets; north from Indiana to Paxton between 24th and 30th Streets; north from Nicholas to Paxton between 24th St. and Florence Blvd.; north from Nicholas to Ames between 16th St. and Florence Blvd.; north of Charles to Ames between 16th St. and the eastern corporate limits; and east Omaha.

District No. 6. Includes the following territory in the county of Douglas and the city of Omaha: All north of Pacific to Leavenworth, between Park Ave. and 30th St.; north from Pacific to Farnam between 20th St. and Park Ave.; north from Farnam to Indiana, between 24th and 40th Streets; north from Pacific to Nicholas, between 20th and 24th Streets; north from Pierce to Nicholas, between 16th and 20th streets; north from Hickory to Charles between 10th and 16th Streets; north from Pine to Charles, between 10th Street and the eastern corporate limits.

District No. 7. Includes the following territory in the county of Douglas and the city of Omaha: All north from Hickory St. to Woolworth Ave., between 29th St. and Park Ave.; north from Hickory to Poppleton Ave., between 28th and 29th Streets; north from Hickory to Pacific, between 25th Ave. and 28th St.; north from Center to Pacific, between 24th St. and 25th Ave.; north from Center to Pacific, between 20th and 24th Streets; north from Center to Pierce, between 16th and 20th Streets; north from Center to Hickory, between 10th and 16th Streets; north from Center to Pine, between 10th Street and the eastern corporate limits; north from G to Center, between the Burlington RR east to the corporate limits; north from H to G, between

the Burlington RR and 27th Street; all south of G to the corporate limits, between 24th St. and its extension to the Burlington on U St., east to the corporate limits.

District No. 8. Includes the following territory in the county of Douglas and the city of Omaha: North from Woolworth Ave. to Pacific St., between 63rd and 66th Streets; north from Center to Pacific, between 60th and 63rd Sts.; north from Spring to Pacific, between 52nd and 60th Streets; north from F to Pacific, between 46th Ave. and 52nd St.; north from F to Pacific, between 42nd St. to 46th Ave.; north from F to Center, between 42nd St. and the Burlington RR; north from Center to Leavenworth, between 30th and 42nd Streets; north from Poppleton Ave., to Pacific St., between 28th and 30th Streets; north from Woolworth to Poppleton, between 29th and 30th Streets; north from Hickory to Woolworth, between Park Ave. and 30th St.; north from Center to Hickory, between 25th Ave. and 30th St.; north from H to F, between 42nd St. and the Burlington RR; north from H to G, between 24th and 27th Sts.; north from Madison to H, between 42nd and 24th and its extension to the RR; north from Harrison to Madison, between 45th St., and The Burlington RR.

District No. 9. Includes the following territory in the county of Douglas and the city of Omaha: North from Pacific to Howard, between the western corporate limits and 60th St.; north from Pacific to Dodge, between 56th and 60th Streets; north from Pacific to Charles, between the western corporate limits and 56th Ave.; north from Leavenworth to Charles, between 46th Ave. and 36th Street; north from Leavenworth to Cuming, between 30th and 36th Streets; north from Leavenworth to Farnam, between 30th and Park Ave.

District No. 10. Includes the following territory in the county of Douglas and the city of Omaha: North from Charles to Blondo, between western corporate limits and 49th St.; north from Blondo to Lake, between 66th St. and 50th Streets; all north of Lake between 72nd St. and 48th St.; and all of the rural precincts.

District No. 11. Includes Dodge and Washington.

District No. 12. Includes Cuming and Burt.

District No. 13. Includes Dakota, Thurston and Dixon.

District No. 14. Includes Cedar and Knox.

District No. 15. Includes Pierce and Madison.

District No. 16. Includes Stanton, Wayne and Colfax.

District No. 17. Includes Butler and Saunders.

District No. 18. Includes the following territory in the county of Lancaster and the city of Lincoln: All north of Potter between 22nd and 29th; all north of Vine between 29th and 58th; all north of R between 58th and 63rd; all east of 63rd within the corporate limits of the city of Lincoln; all of the county precincts of Lancaster county except Garfield.

District No. 19. Includes the following territory in the county of Lancaster and the city of Lincoln: Territory west of 29th between Potter and Vine to 22nd; west of 28th between Vine and O to 22nd; west of 27th between O and Randolph to 22nd; west of 22nd and north of Randolph and extension thereof on G to 14th, and west of 17th, between G and D to 14th, all west of 14th, and north of A to corporate limits, and Garfield precinct of Lancaster county.

District No. 20. Includes the following territory in the county of Lancaster and the city of Lincoln: All west of 14th, and south of A to corporate limits, all south of D between 14th and 17th, all south of G and its extension on Randolph between 17th and 22nd, all south of Randolph between 22nd and 27th, all south of Vine between 28th and 33rd to O, all east of 33rd between Vine and O, all east of 27th between O and Randolph, all south of Randolph and east of 27th to corporate limits.

District No. 21. The county of Gage.

District No. 22. The counties of Thayer and Jefferson.

District No. 23. The counties of Fillmore and Saline.

District No. 24. The counties of York and Seward.

District No. 25. The counties of Hamilton, Polk and Clay.

District No. 26. The counties of Nance and Platte.

District No. 27. The counties of Antelope and Boone.

District No. 28. The counties of Holt, Boyd, Keya Paha and Rock.

District No. 29. The counties of Wheeler, Greeley, Valley and Howard.

District No. 30. The counties of Hall and Merrick.

District No. 31. The counties of Kearney and Adams.

District No. 32. The counties of Franklin, Webster and Nuckolls.

District No. 33. The counties of Harlan, Furnas and Red Willow.

- District No. 34. The counties of Buffalo and Sherman.
- District No. 35. The counties of Custer, Loup and Garfield.
- District No. 36. The counties of Dawson, Gosper and Phelps.
- District No. 37. The counties of Perkins, Chase, Hayes, Dundy and Hitchcock.
- District No. 38. The counties of Lincoln and Frontier.
- District No. 39. The counties of Keith, Deuel, Garden, Arthur, Grant, Hooker, McPherson, Thomas, Logan and Blaine.
- District No. 40. The counties of Cherry, Sheridan and Brown.
- District No. 41. The counties of Dawes, Box Butte and Sioux.
- District No. 42. The county of Scotts Bluff.
- District No. 43. The counties of Banner, Kimball, Cheyenne and Morrill.

Judicial Districts

District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha and Richardson.

District No. 2 shall consist of the counties of Sarpy, Cass and Otoe.

District No. 3 shall consist of the county of Lancaster.

District No. 4 shall consist of the counties of Burt, Washington and Douglas.

District No. 5 shall consist of the counties of Hamilton, Polk, York, Butler, Seward and Saunders.

District No. 6 shall consist of the counties of Boone, Nance, Merrick, Platte, Colfax and Dodge.

District No. 7 shall consist of the counties of Fillmore, Saline, Thayer and Nuckolls.

District No. 8 shall consist of the counties of Thurston, Dakota, Dixon and Cedar.

District No. 9 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton and Wayne.

District No. 10 shall consist of the counties of Phelps, Kearney, Adams, Harlan, Franklin, Webster and Clay.

District No. 11 shall consist of the counties of Hall, Howard, Greeley, Valley, Wheeler, Garfield, Loup, Grant, Hooker, Thomas and Blaine.

District No. 12 shall consist of the counties of Custer, Sherman, Logan and Buffalo.

District No. 13 shall consist of the counties of McPherson, Lincoln, Deuel, Cheyenne, Kimball, Dawson, Keith, Banner and Arthur.

District No. 14 shall consist of the counties of Chase, Hayes, Frontier, Gosper, Furnas, Red Willow, Hitchcock, Perkins and Dundy.

District No. 15 shall consist of the counties of Brown, Keya Paha, Boyd, Rock and Holt.

District No. 16 shall consist of the counties of Cherry, Sheridan, Dawes, Box Butte and Sioux.

District No. 17 shall consist of the counties of Garden, Morrill and Scotts Bluff.

District No. 18 shall consist of the counties of Jefferson and Gage.

Provided, in the fourth district there shall be nine judges of the district court; in the third district there shall be four judges of the district court; in the fifth, sixth, ninth, tenth and eleventh districts there shall be two judges of the district court in each of said districts; in the thirteenth district there shall be two judges of the district court; in all other districts there shall be one judge of the district court in each of such other districts.

LEGISLATIVE SESSIONS SINCE THE LEGISLATURE ORGANIZED

First session. Held at Omaha, the State Capital, on July 4, A.D., 1866. Adjourned July 11, 1866. Session eight days. Convened in compliance with adoption of the Constitution. Membership consisted of thirteen senators and thirty-nine representatives elected from the territorial districts.

Second session. (Special) Held at Omaha, the State Capital, February 20, 1867, and adjourned February 21, 1867. Session two days. Session was called to consider certain conditions made by act of Congress for the admission of Nebraska into the Union.

Third session. (Special) Held at Omaha, the State Capital, May 16, 1867, and adjourned June 24, 1867. Session forty days. Session called by the Governor to carry out provisions of the new Constitution.

Fourth session. (Special) Held at Omaha, the State Capital, October 27, 1868. Adjourned October 28, 1868. Session two days. Called to provide for the election of Presidential and Vice-presidential electors.

Fifth session. (Special) Held at Lincoln, the State Capital, January 7, 1869. Adjourned February 15, 1869. Session forty days.

Sixth session. (Special) Held at Lincoln, where the State Capital was permanently located. Convened February 17, 1870. Adjourned March 4, 1870. Session sixteen days. Called to ratify the proposed Fifteenth Amendment to the Constitution of the United States, and special business.

Seventh session. (Special) Convened March 4, 1870. Adjourned March 4, 1870. Session one day.

Eighth session. Convened January 5, 1871. Adjourned on the 29th of March to the 30th of May for the purpose of sitting as a court to try impeachment proceedings against Governor Butler. On June 7, 1871, adjourned a second time until January 9, 1872, for the purpose of trying impeachment proceedings against Auditor John Gillespie. Adjourned January 26, 1872. Session 110 days.

Session	Convened	Adjourned
Ninth	Jan. 9, 1873	Mar. 4, 1873
Tenth (Special)	Mar. 27, 1873	Mar. 29, 1873
Eleventh	Jan. 7, 1875	Feb. 25, 1875
Twelfth (Special)	Dec. 5, 1876	Dec. 5, 1876
Thirteenth (Special)	Dec. 5, 1876	Dec. 5, 1876
Fourteenth	Jan. 2, 1877	Feb. 15, 1877
Fifteenth	Jan. 7, 1879	Feb. 25, 1879

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LEGISLATIVE JOURNAL

Sixteenth	Jan. 4, 1881	Feb. 26, 1881
Seventeenth (Special)	May 10, 1882	May 24, 1882
Eighteenth	Jan. 2, 1883	Feb. 26, 1883
Nineteenth	Jan. 6, 1885	Mar. 5, 1885
Twentieth	Jan. 4, 1887	Mar. 31, 1887
Twenty-first	Jan. 1, 1889	Mar. 30, 1889
Twenty-second	Jan. 6, 1891	Apr. 4, 1891
Twenty-third	Jan. 3, 1893	Apr. 8, 1893
Twenty-fourth	Jan. 1, 1895	Apr. 5, 1895
Twenty-fifth	Jan. 5, 1897	Apr. 9, 1897
Twenty-sixth	Jan. 3, 1899	Mar. 31, 1899
Twenty-seventh	Jan. 1, 1901	Mar. 28, 1901
Twenty-eighth	Jan. 6, 1903	Apr. 8, 1903
Twenty-ninth	Jan. 3, 1905	Mar. 30, 1905
Thirtieth	Jan. 1, 1907	Apr. 4, 1907
Thirty-first	Jan. 5, 1909	Apr. 1, 1909
Thirty-second	Jan. 3, 1911	Apr. 6, 1911
Thirty-third	Jan. 7, 1913	Apr. 16, 1913
Thirty-fourth	Jan. 5, 1915	Apr. 8, 1915
Thirty-fifth	Jan. 2, 1917	Apr. 24, 1917
Thirty-sixth (Special)	Mar. 26, 1918	Apr. 8, 1918
Thirty-seventh	Jan. 7, 1919	Apr. 17, 1919
Thirty-eighth (Special)	July 29, 1919	Aug. 2, 1919
Thirty-ninth (Special)	Oct. 14, 1919	Oct. 18, 1919
Fortieth	Jan. 4, 1921	Apr. 28, 1921
Forty-first (Special)	Jan. 24, 1922	Feb. 2, 1922
Forty-second	Jan. 2, 1923	May 2, 1923
Forty-third	Jan. 6, 1925	Apr. 1, 1925
Forty-fourth	Jan. 4, 1927	Apr. 23, 1927
Forty-fifth	Jan. 1, 1929	Apr. 24, 1929
Forty-sixth (Special)	Mar. 4, 1930	Mar. 15, 1930
Forty-seventh	Jan. 6, 1931	May 2, 1931
Forty-eighth (Special)	June 9, 1931	June 20, 1931
Forty-ninth	Jan. 3, 1933	May 9, 1933
Fiftieth	Jan. 1, 1935	May 25, 1935
Fifty-first (Special)	Oct. 28, 1935	Nov. 25, 1935
Fifty-second	Jan. 5, 1937	May 15, 1937
Fifty-third	Jan. 3, 1939	June 7, 1939
Fifty-fourth (Special)	Jan. 2, 1940	Jan. 13, 1940

RULES OF LEGISLATURE

RULE I

Duties of the President

1. The Lieutenant Governor shall preside as President of the Legislature, and the Speaker, as President pro tempore shall preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. All references herein made to the President shall be construed as meaning the Speaker whenever he may preside in the absence of the Lieutenant Governor.
2. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed to business in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.
3. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature.
4. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.
5. He shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants and subpoenas issued by the order of the Legislature shall be under his hand and seal, attested by the Clerk.
6. He shall rise to put a question, but he may state it sitting.
7. He may speak to a point of order in preference to members, rising from his seat for that purpose, and shall decide the questions of order, subject to an appeal to the Legislature by any members, on which appeal no member may speak more than once, unless by leave of the Legislature.
8. The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond the adjournment.
9. The Lieutenant Governor when presiding over the Legislature shall vote only when the Legislature is equally divided.

10. In the absence of both the Lieutenant Governor and the Speaker the chairman of the Judiciary Committee shall preside, and shall exercise all the powers herein conferred on the President, except the authority to sign bills or resolutions that may be passed by the Legislature.

RULE II

Officers Elected and Their Duties

1. At the commencement of its first session the Legislature shall nominate by informal ballot and shall elect by ballot the following officers:

Speaker.
Clerk of the Legislature.
Assistant Clerk.
Sergeant-at-arms.
Doorkeeper—Assistant Sergeant-at-arms.
Postmaster.
Chaplain.

2. The vote of a majority of the elected members shall be required for the election of each such officer.

3. In general the duties of the officers of the Legislature shall be those usual to such offices.

4. The Clerk of the Legislature shall keep a brief but accurate daily journal of the proceedings of the Legislature. He shall enter in the daily journal messages of the Governor in full; titles of bills; every vote, including the ayes and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

5. The Assistant Clerk, in the absence of the Clerk, shall be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

6. The Sergeant-at-arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer.

7. The Doorkeeper or Assistant Sergeant-at-arms shall enforce strictly the rules as they relate to the privileges of the legislative chamber.

8. The Postmaster shall superintend the post office kept in the capitol for the accommodation of the members, and shall be responsible for the prompt and safe delivery of their mail.

9. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

10. Each permanent officer shall take an oath to support the constitution of the United States, and the constitution of the state of Nebraska, and to faithfully discharge the duties of his office according to the best of his ability.

11. Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature, and the vacancy thus created shall be filled by a majority vote of the members.

RULE III

Employees, Their Selection and Duties

1. The Committee on Legislative Administration to be elected by the Legislature upon the recommendation of the Committee on Committees, and to consist of one member from each congressional district, shall have authority to select and employ suitable persons for all of the positions which may be determined upon as necessary by the Legislature.

2. The Committee on Legislative Administration shall have complete supervision of all employees, including the right to discharge any one or more of them. All employees shall be selected without reference to party affiliation, and shall be chosen upon the basis of merit.

3. The Committee on Legislative Administration shall print no paper or document, except bills and the daily journal, unless authorized by a majority vote of the Legislature.

4. The committee shall make a detailed and itemized report to the Legislature each month, concerning the number of employees, and the amount paid for their services, especially setting out the amount of regular time and overtime and to whom paid.

5. The Committee on Legislative Administration shall have general charge, except as may be provided by law or by rule, of such parts of the capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

RULE IV**Members**

1. Every member shall be present within the legislative chamber during the sittings of the Legislature and shall attend the regular meetings of the standing committees of which he is a member, unless excused or necessarily prevented.

2. The presence of any member may be compelled, if necessary, by sending the Sergeant-at-arms, or such other person or persons, as the membership present may authorize, at the expense of such absent member, unless such excuse for non-attendance is made, as the Legislature may judge sufficient; and in that case the expense shall be paid out of the contingent fund.

3. Upon the completion of the roll call on the final passage of a bill any member may explain the absence of any other member, if requested in writing to do so, may state at his request how he would have voted if present, and such statement, if submitted to the Clerk in writing, and containing not more than thirty words, shall be entered in the daily journal.

4. If during consideration of bills on either the general file or the select file the introducer of a bill requests the Legislature to pass over said bill, it shall be placed at the bottom of the file, except by unanimous consent. Provided, if some member other than the introducer makes the request the bill shall retain its place on the file.

5. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

RULE V**Decorum and Debate**

1. When any member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President", and when recognized shall confine himself to the question and shall avoid personalities.

2. No member shall speak more than twice upon any one question in debate during the same legislative day without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

3. No member shall speak to another, except when he may yield to a question, or otherwise interrupt the business of the Legislature. No member shall use profane or abusive language when speaking to or about another member.

4. If any member in speaking or otherwise transgress the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature; but he shall not be held to answer, nor be subject to the censure of the Legislature therefor, if further debate or other business has intervened.

6. A member shall be permitted to explain his vote upon any question, but such explanation of his vote on roll call shall be limited to fifty words, and shall not be entered in the daily journal unless the same be submitted to the Clerk in writing.

RULE VI

Committee on Committees

1. At the commencement of its first session the Legislature shall elect a Committee on Committees to consist of eleven members, one at large who shall be chairman, and two from each congressional district to be nominated by the members residing therein.

2. The Committee on Committees shall recommend to the Legislature for its approval and adoption the following standing committees, each with the number of members as hereinafter set forth. A majority of all of the members of the Committee on Committees shall be required to decide assignments.

Agriculture (including conservation, fish and game, live stock and grazing)	9 members
Appropriations (formerly referred to as the committee on finance, ways and means, and including state institutions)	11 members

Banking, Commerce and Insurance	9 members
Claims and Deficiencies	5 members
Education (including university and normal schools, public schools and libraries and school lands and funds)	9 members
Enrollment and Review (including arrangement, phrase- ology and correlation)	5 members
Government (including state, county and municipal govern- ments; elections and apportionment)	9 members
Judiciary	9 members
Labor and Public Welfare (including social security and child labor)	9 members
Legislative Administration (including employees, printing, audit and accounts)	5 members
Public Health and Miscellaneous Subjects	5 members
Public Works	9 members
Revenue (including revenue and taxation, salaries, licenses and fees)	9 members
Rules (including procedure and order of business)	5 members

3. The Committee on Committees shall select, aside from the standing committees of the Legislature, all other committees, except where otherwise ordered by the Legislature.

4. The Committee on Committees shall arrange and publish a schedule of regular standing committee meetings in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees, and shall cause a copy of such schedule to be posted in some conspicuous place in the capitol near the legislative chamber.

RULE VII

Standing Committees

1. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them.

2. The chairman of each standing committee shall be chosen by the Committee on Committees.

3. Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

4. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least five (calendar) days' notice by publication in the legislative journal of the date and time of said hearing.

5. The Legislature may, by a vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for at least ten legislative days.

6. Each standing committee shall, when reporting a bill, submit therewith a brief statement of the main purpose of the bill. Said statement shall give the committee's reason for so reporting and the minority view, if such there be, shall also be given; copies of such statement shall be furnished to the members.

7. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject; provided that where the changes made are such as to constitute a substitute bill the committee shall cause the same to be so introduced and printed.

8. When a standing committee introduces a bill as provided in the preceding section, and if the required committee hearings have been held thereon, the bill, after its second reading, shall be placed upon the general file.

9. Each standing committee shall keep a record of the proceedings in committee meetings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto, and the vote so taken shall be made a part of the committee report, and shall be entered in the daily journal.

10. Standing committees shall take final action in reporting bills at regularly scheduled committee meetings only.

11. In reporting bills to the Legislature, whether with or without amendments, a standing committee shall recommend (a) that the bill reported be placed on the general file for the consideration of the Legislature, or (b) that the bill reported be indefinitely postponed.

12. If the standing committee report on a bill be to indefinitely postpone, the bill shall stand indefinitely postponed, subject to reconsideration in the manner provided by the rules of the Legislature.

13. The time of the meetings of standing committees shall be at 2 p. m., unless otherwise ordered by the Legislature.

14. The Committee on Enrollment and Review shall be a privileged committee, and shall be in order at any time in reporting bills which have been engrossed for third reading and final passage.

RULE VIII

Order of Business

1. The order of business of the Legislature shall be as follows:
 - a. Prayer by the Chaplain.
 - b. Roll call.
 - c. Call for correction of the journal.
 - d. Petitions and memorials.
 - e. Notice of committee hearings.
 - f. Report of standing committees.
 - g. Report of select committees.
 - h. Resolutions.
 - i. Introduction of bills.
 - j. Bills on first reading by title.
 - k. Bills on second reading by title.
 - l. Bills on third reading.
 - m. Special order of the day.
 - n. Consideration of bills on select file.
 - o. Consideration of bills on general file.
 - p. Unfinished business, including messages on the President's desk.
 - q. Miscellaneous business.
2. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have the preference in the special order of the day.
3. The hour of meeting of the Legislature shall be at 9:00 a. m. of each legislative day; hour of adjournment shall not be later than 1:00 p. m., unless otherwise ordered by the Legislature.
4. Each day except Saturday and Sunday shall be considered a legislative day, unless otherwise specifically ordered by the Legislature.

RULE IX

Daily Journal

1. A daily journal of the proceedings of the Legislature, as prepared by the Clerk, shall be printed and placed each day upon the desks of the members; and the presiding officer shall call in the regular order for corrections thereof. After corrections, if any, are made, the journal shall stand approved without motion.

2. The bound journal of the session shall be printed from the corrected daily journal.

3. Additional copies of the daily journal, to be mailed out at his direction, shall be supplied for the use of each member, in such manner as shall be provided by the Legislature.

4. In addition to the title, only such parts of a bill as shall be affected by proposed amendments shall be entered in the daily journal.

RULE X

Manner and Record of Voting

1. All votes shall be taken viva voce. Questions shall be distinctly put in this form, to-wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'no'."

2. If a division is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the "electric roll call system".

3. Any member may call for the ayes and nays upon any question, and upon the declaration of the ayes and nays by the members, the record thereof shall be made and taken upon the "electric roll call system", unless the Legislature by a majority vote decides that a roll call shall be taken.

4. In taking the ayes and nays, and upon the call of the Legislature, the members shall register their vote upon the "electric roll call system". When the ayes and nays are taken upon any question in the manner heretofore indicated, no member shall be permitted to vote after the decision is announced from the chair.

5. In all instances where the vote necessary to adopt a motion or other proposition is other than that of a majority voting upon the question, the presiding officer shall, unless the Legislature by unanimous vote decides otherwise, cause the result thereof to be obtained by means of the "electric roll call system".

6. Any member may demand the verification of the vote on roll call. Provided that on the final passage of bills the verification shall always be made.

7. A call of the Legislature must be seconded by at least five members. Thereupon, and upon call of the presiding officer, each member present shall indicate his presence upon the "electric roll call system". The Clerk shall note the names of the absentees. A majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature. The proceedings under the call may be suspended at any time by a majority vote of the members present, and when so suspended shall not again be ordered on the proposition pending except by a majority vote of the members present and voting thereon.

8. Any member may call for a division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

RULE XI

Motions and Their Precedence

1. When a motion has been made and seconded, the presiding officer shall state it, or being in writing, shall cause it to be read aloud by the Clerk before being debated.

2. Every motion shall be reduced to writing, if the presiding officer or any member desires it.

3. After a motion has been stated by the presiding officer, or read by the Clerk, it shall be deemed in possession of the Legislature, but may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider which shall not be withdrawn without leave.

4. When a question is under debate no motion shall be received but (a) to adjourn; (b) to lay on the table; (c) for the previous question; (d) to postpone to a certain time; (e) to commit or amend; (f) to postpone indefinitely; except that motions to indefinitely postpone and amend do not yield to each other; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a certain time, to commit or to postpone indefinitely, being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

5. A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, and if carried, is equivalent to rejection of the bill.

6. A motion to adjourn, or a motion to fix the day to which the Legislature shall adjourn shall always be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. When a motion to fix the day to which the Legislature shall adjourn has just been defeated.
- d. After the third reading of a bill and during roll call thereon.

7. Pending a motion to suspend the rules, the presiding officer may entertain one motion to adjourn, but after the result thereon is announced he shall entertain no other motion until the vote has been taken on suspension.

8. The hour at which the Legislature adjourns shall be entered in the daily journal.

RULE XII

Bills—General Provisions

1. When the introduction of bills is called for any member or standing committee may introduce one or more bills.

2. Members shall introduce such bills only as they are willing to personally endorse and support.

3. Bills shall be given preference on the general file in the order in which they shall be reported from the standing committees, and no change shall be made in such order, except by a majority vote of the elected members.

4. In the consideration of bills on general or select file, amendments offered, but not adopted, shall not be entered in the journal except where a record vote is demanded.

5. Every bill shall receive three readings previous to its passage, by title when first introduced, likewise by title upon a legislative day subsequent to its introduction, and the bill and all amendments thereto shall be read at large before the vote is taken upon its final passage.

6. After the second reading of a bill a printed copy thereof shall be provided for the use of each member of the Legislature.

7. An amendatory bill shall be so prepared and printed as to

show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes.

8. All bills before being advanced to third reading and final passage shall be engrossed by typewriter, and if amended, shall be reprinted in the manner prescribed in the preceding section, and copies thereof shall be supplied for the use of the members.

9. Upon the final passage of a bill, or of a resolution if the same require the same consideration as a bill, the vote shall be by yea and nay, and this rule shall not be suspended.

10. The question after the third reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

11. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on third reading, then the emergency clause shall be considered stricken and the bill without the emergency clause shall be pending on its third reading.

12. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be "shall the bill pass, notwithstanding the objection of the Governor?"

13. The general appropriation bills, necessary for the support of the state government for the biennium, shall take precedence over all other bills on the general file.

14. It shall require a vote of a majority of the members elected to expend money by the Legislature or to change the compensation of any officer or employee.

15. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contains the section or sections, as amended and the section or sections so amended shall be repealed.

16. No bills shall be introduced after the twentieth legislative day, except upon the recommendation of the Governor, or in the manner defined in Sections 7 and 8, of Rule VII.

17. A bill shall be referred to as Legislative Bill No.

RULE XIII

Bills—Stages in Consideration

1. Introduction and first reading.
2. Second reading and reference to standing or select committee.
3. Consideration by standing or select committee, together with desired committee hearings.
4. Report by standing or select committee, and reference to the general file.
5. Consideration and general debate by the Legislature, wherein each section shall be open to amendment as read, and the amendments, if any, recommended by the standing committee shall first be considered for adoption or rejection, after which other amendments may be offered.
6. Reference to the Committee on Enrollment and Review for recommendations relative to arrangement, phraseology and correlation, unless indefinitely postponed or recommitted to a standing committee.
7. Report by the Committee on Enrollment and Review and reference to the select file.
8. Consideration a second time by the Legislature, in review, wherein any of the following motions shall be in order:
 - a. A motion to approve or reject any or all of the changes recommended by the Committee on Enrollment and Review.
 - b. A motion to agree to any specific amendment clearly intended to correct an error.
 - c. A motion to adopt a unanimous consent amendment, to which no objection shall be offered.
 - d. A motion to recommit to the proper standing committee.
 - e. A motion to recommit to the general file for one or more specific amendments.
 - f. A motion to indefinitely postpone.
 - g. Provided, no bill shall be considered on select file until three legislative days after its reference from the general file to the Committee on Enrollment and Review.

9. Re-reference to the Committee on Enrollment and Review for engrossment, unless recommitted to a standing committee or indefinitely postponed.

10. Report by the Committee on Enrollment and Review and reference to the third reading file, or to select file for specific amendment.

11. Consideration on third reading and final passage; provided that at any time before the roll call shall have begun on the third reading of the bill it shall be in order to move:

- a. To recommit the bill to the Committee on Enrollment and Review to correct an error, and for re-engrossment.
- b. To recommit the bill to the proper standing committee, with or without instructions.
- c. To recommit to select file for specific amendment.

12. No bill shall be placed upon third reading and final passage until—

- a. Five legislative days after the initial reference to the Committee on Enrollment and Review.
- b. Two legislative days after its reference to third reading file.
- c. Printed copies of the bill in its final form, as amended shall have been available to members and on their desks for at least one legislative day.

RULE XIV

Amendments

1. When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

2. Amendments to the title shall not be in order during the consideration of a bill or resolution on general or select file until the bill or resolution shall have been considered in full.

3. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice such measure.

4. When the Legislature is considering bills on either general or select file, after giving consideration to standing committee amendments, it shall give preference to such amendments as may have been on file with the Clerk, with copies on the members' desks for one legislative day in advance.

5. No motion or proposition, or subject different from that under consideration shall be admitted under color of amendment.

6. No bill or resolution shall at any time be amended by annexing thereto, incorporating therewith, or substituting therefor, any other bill or resolution before the Legislature.

RULE XV

Resolutions

1. Resolutions which propose amendments to the state constitution; propose the ratification of amendments to the federal constitution; provide for the grant of money out of the contingent or any other fund, or require the approval of the Governor shall be considered in the same manner as that adopted for the consideration of bills.

2. All other resolutions, except by the unanimous consent of the members present and voting, shall lie over for consideration until the next legislative day.

3. When called up for consideration on the second legislative day after its introduction, any such resolution shall be referred to the proper standing committee, if as many as five members object to its immediate consideration at that time.

4. A resolution shall be referred to as Legislative Resolution No.

RULE XVI

Petitions and Memorials

1. Every petition, or memorial, or other paper shall be referred to the proper committee without putting a question for that purpose, unless the reference be objected to by any member at the time such petition, memorial, or other paper is presented, in which case the Legislature shall decide the question of reference without debate.

2. Before any petition or memorial addressed to the Legislature is received and read at the table, whether the same be presented by

the presiding officer or a member, a brief statement of the contents of the petition or memorial may be verbally made by the introducer.

RULE XVII

The Previous Question

1. The previous question shall be in this form: "Shall the debate now close?"

2. It shall be admitted when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in Section 5 of this rule, preclude further debate and all amendments and motions, except one motion to adjourn and one motion to lay on the table.

3. On a previous question there shall be no debate, all incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. A call of the Legislature shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

5. When the previous question shall have been ordered on a proposition under debate, the mover, proponent or introducer of such proposition shall be given the right to close the debate thereon.

RULE XVIII

Reconsideration

1. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member voting with the prevailing side or not voting to move a reconsideration thereof on the same day or on either of the next two legislative days; and if the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

2. Every motion to reconsider shall take precedence of all other questions except a motion to adjourn.

3. For its adoption a motion to reconsider shall require the vote of a majority of the elected members, except where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a third reading, then a three-fifths vote shall be required for adoption.

RULE XIX

Special Order and Adjournment

1. When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on the general file.

RULE XX

Questions and References

1. The Lieutenant Governor, the Speaker, and the Chairman of the Committee on Committees shall constitute the Reference Committee for the assignment of bills and resolutions to the various standing committees.

2. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature on any legislative day immediately following corrections of the daily journal, by unanimous consent, or by the vote of a majority of the elected members.

3. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first.

RULE XXI

Communications from the Governor

1. Messages from the Governor may be received at any stage of the proceedings, except when a question is being put, the yeas and nays are being called for, the ballots are being counted, or a question of order or a motion to adjourn is pending.

2. All nominations made to the Legislature by the Governor requiring confirmation by the Legislature shall be referred to the Committee on Committees and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

RULE XXII

Questions of Privilege

Questions of privilege shall be, first, those affecting the rights of the Legislature collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

RULE XXIII

Privileges of the Floor

No person shall be admitted to the floor of the Legislature except the following:

Members of the Legislature, officers and employees

State officers, their deputies and clerks

Judges of the Supreme Court

Judges of the District Courts

Senators and Representatives in Congress

Reporters of regularly accredited newspapers and broadcasting stations

and such other persons as the Legislature may deem proper to admit.

RULE XXIV

Suspension of Rules

These rules may be suspended by a two-thirds majority vote of the elected members, and may be amended by a three-fifths majority vote of the members elected. Provided any proposed amendment must first be referred to the Committee on Rules for consideration and report.

RULE XXV

Gregg's Parliamentary Law

The rules of parliamentary practice comprised in Gregg's Parliamentary Law shall govern the Legislature in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Legislature.

LEGISLATIVE JOURNAL

FIFTY-FOURTH (EXTRAORDINARY) SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska,
Tuesday, January 2, 1940.

Pursuant to a proclamation by His Excellency, R. L. Cochran, Governor of the State of Nebraska, the fifty-fourth (extraordinary) session of the Legislature of Nebraska assembled in Legislative Hall of the capitol building at the hour of ten o'clock a. m. January 2, 1940, and was called to order by Lieutenant Governor William E. Johnson.

Prayer was offered by The Reverend L. L. Chambers, Chaplain.

The roll was called and the following members were present:

Ernest A. Adams	George B. Gross	William J. Norman
John Adams, Jr.	Peter P. Gutoski	Carl H. Peterson
Hugh B. Ashmore	Leland R. Hall	Joseph C. Reavis
Frank J. Brady	Charles R. Herrick	James E. Reed
Emil E. Brodecky	R. M. Howard	J. B. Rossiter
John S. Callan	Richard N. Johnson	Edwin Schultz
Swan Carlson	A. M. Johnston	Frank Sorrell
Fred L. Carsten	Sam Klaver	Amos Thomas
George I. Craven	Tom Lambert	J. Lyndon Thornton
W. H. Diers	John E. Mekota	Charles F. Tvrdik
John F. Doyle	A. L. Miller	A. C. Van Diest
Lester L. Dunn	Martin J. Mischke	E. M. Von Seggern
Harry E. Gantz	L. B. Murphy	M. E. Westley
Daniel Garber	E. M. Neubauer	

Member Excused

Mr. Amos Thomas announced that he had received a telegram from Mr. Fred A. Mueller and asked that Mr. Mueller be excused.

So ordered.

Gavel Presented to President

Mr. Richard N. Johnson presented President William E. Johnson with a gavel, made especially for this occasion by Robert M. Sorenson, a member of Boy Scout Troop 105, Fremont, Nebraska.

Permission Granted to Radio Station

Speaker Diers announced that Radio Station KFAB had asked permission to install a radio sending station in the legislative chamber to broadcast the message of the Governor. Mr. Schultz moved that such permission be granted and the motion prevailed.

The Clerk of the Legislature read the following:

Letter From the Governor

December 27th, 1939.

Mr. Hugo F. Srb
Clerk of the Legislature
State House
Lincoln, Nebraska.

Dear Mr. Srb:

Enclosed you will please find a copy of a proclamation I have issued calling an extraordinary session of the Nebraska Legislature to convene on Tuesday, January 2nd, 1940, in the State Capitol at ten o'clock a. m. This is in conformity with the State Constitution and is supplied you for your files as a matter of record.

Very sincerely yours,
(Signed) R. L. Cochran
Governor

PROCLAMATION OF THE GOVERNOR**Executive Office, Lincoln, Nebraska**

By virtue of the authority vested in the Governor by Section 8 of Article IV of the Constitution of Nebraska, I, R. L. Cochran, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, hereby call the Legislature of Nebraska to convene in

extraordinary session at 10 o'clock a. m., Tuesday, January 2nd, 1940, for the purpose of considering the passage of legislation relating to the following subjects, to-wit:

1. To appropriate any revenues accruing to the state assistance fund under existing statutes in excess of the amounts heretofore appropriated.

2. To amend the statutes to provide for the service of process on the State of Nebraska and governmental agencies created by the state and to invest the courts with jurisdiction in claims for compensation benefits under the Workmen's Compensation Act against the state and governmental agencies created by the state.

3. To so amend the Nebraska unemployment compensation law as to make it harmonize with the federal social security act as amended under the 1939 federal legislation.

4. To amend the state assistance laws so as to provide a method for releasing of liens filed against real estate of recipients and to clarify the time when and the conditions under which the lien now provided by statute attaches.

5. To clarify the present statutes with reference to responsibility for burial of indigent persons.

WITNESS MY HAND AND SEAL this 26th day of December, 1939.

(Signed) R. L. Cochran
Governor

Letter From the Governor

January 2, 1940.

Mr. Hugo F. Srb,
Clerk of the Legislature,
Lincoln, Nebraska.

Dear Mr. Srb:

There is a question about the necessity of including in the call of the Legislature for an extraordinary session the subject of appropriations for expenses of the session. That there may be no doubt in the minds of anyone as to the authority of the Legislature to make appropriations for the expenses of the session, I am hereby stating this as one of the purposes of the call.

Very sincerely yours,
(Signed) R. L. Cochran
Governor

The President declared the fifty-fourth (extraordinary) session of the Nebraska State Legislature duly convened and ready to transact business.

Rules of the Legislature

The President announced that, without objection, the rules of the last regular session would govern the extraordinary session and all Standing Committees of the last session would continue during the present session.

There being no objection, it was so ordered.

MOTION—Committee on Credentials

Mr. President: I move that a committee of three be appointed on Credentials. (Signed) Murphy.

The motion prevailed and the President appointed the following members to serve on said Committee:

Murphy, Chairman Brodecky Neubauer

MOTION—Committee to Notify Governor

Mr. President: I move that the President appoint a committee of three to notify the Governor that the Legislature is now organized and ready to receive any communications. (Signed) Diers.

The motion prevailed and the President appointed the following members to serve on said Committee:

Diers, Chairman Carlson Doyle

LETTER—From Secretary of State

January 2, 1940.

Mr. Hugo Srb,
Clerk of the Legislature
Building.

Dear Mr. Srb:

We hand you herewith Certificate of the Secretary of State certifying as to the appointment of Mr. Ray Thomas to fill the vacancy in the Twenty-fifth Legislative District, in accordance with the provisions of Chapter 32-1705 of the 1939 Cumulative Supplement to the Compiled Statutes of Nebraska, 1929.

Very truly yours,
(Signed) Donald E. Devries
Deputy Secretary of State

DED:EN

CERTIFICATION

Harry R. Swanson
Secretary of State

Donald E. Devries
Deputy

State of Nebraska

Department of State

I, Harry R. Swanson, Secretary of State of the State of Nebraska, do hereby certify that on January 2, 1940, R. L. Cochran, the duly elected, qualified, and acting Governor of the State of Nebraska transmitted to this office the appointment of Ray Thomas as a Member of the Legislature for the Twenty-fifth Legislative District, to fill a vacancy existing in the representation of said District, for the unexpired term, which said appointment has been placed on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 2nd day of January in the year of our Lord, one thousand nine hundred and forty.

Harry R. Swanson,
Secretary of State

(Signed) Donald E. Devries
Deputy

Seal

REPORT—Committee on Credentials

Mr. President: Your Committee on Credentials hereby reports that the following named gentleman is entitled to a seat in this body:

Ray Thomas, 25th District, Hamilton, Polk, Clay Counties.

(Signed) Murphy

MOTION—To Adopt Report

Mr. President: I move that the report of the Committee on Credentials be adopted. (Signed) Murphy.

The motion prevailed.

MOTION—Committee to Escort Chief Justice

Mr. President: I move that the President appoint a committee of three to escort the Chief Justice to the Legislative Chamber for the purpose of giving the oath of office to the new member. (Signed) Westley.

The motion prevailed and the President appointed the following members to serve on said Committee:

Westley Reavis Amos Thomas

MOTION—Committee to Escort New Member

Mr. President: I move that the President appoint a committee of three to escort the new member to the rostrum. (Signed) Tvrdik.

The motion prevailed and the President appointed the following members to serve on said Committee:

Tvrdik Hall Dunn

The committee to escort the Chief Justice retired and subsequently returned escorting the Chief Justice.

The committee to escort the new member retired and subsequently returned escorting Mr. Ray Thomas.

The following oath of office was administered by the Chief Justice:

MEMBER'S OFFICIAL OATH

State of Nebraska :
County of Lancaster : ss.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence, for any vote I may give or withhold on any bill, resolution, or appropriation, so help me God.

(Signed) Ray Thomas

Subscribed in my presence and sworn to before me this second day of January 1940.

(Signed) Robert G. Simmons
Chief Justice of Supreme Court
of Nebraska

Seal

The committees, respectively, escorted the Chief Justice to his official chamber and the new member to his seat in the Legislature.

Mr. Dunn addressed the members briefly concerning Mr. Thomas' past service in the Legislature.

The President introduced Mr. Ray Thomas to the legislative body and Mr. Thomas addressed the members briefly.

MOTION—To Appoint New Member on Committees

Mr. President: I move that the new member, Mr. Ray Thomas, be appointed on the committees served by his predecessor, Mr. Jay Hastings, and that, with this exception, the membership on all standing committees be the same as during the regular session. (Signed) John Adams, Jr.

The motion prevailed, and Mr. Thomas was appointed to serve on the Education, Government and Revenue Committees.

REPORT—Committee to Notify Governor

The Committee to Notify the Governor returned escorting Governor R. L. Cochran, who delivered the following:

MESSAGE TO THE LEGISLATURE

January 2, 1940.

Mr. President and Members of the 54th Session
of the Legislature of Nebraska:

The primary purpose of this extraordinary session of the legislature, as expressed to you in my letter of November 1st proposing a special session, and as discussed subsequently with the Legislative Council, is to appropriate for state assistance any excess of collections of revenue above and beyond the appropriation made by you at the recent regular session. Another drouth, since adjournment of the regular session, a trend toward higher commodity prices as a result of war abroad adding to the cost of living, the difficulty being experienced by counties in meeting their relief responsibilities, and the conviction that, rather than create a surplus in state relief funds at a time when the avoidance of human suffering compelled us to accept the maximum amount of federal assistance possible, all revenue collected for assistance should be made available during the biennium in which collected—for these reasons it appeared desirable that this matter receive the consideration of the legislature.

Obviously, a special session should not be called and the expense incident thereto be incurred without a reasonable probability that a sufficient number of the members of the legislature favored the enactment of legislation necessary to make such surplus available immediately. It was for this reason that I wrote each member to inquire whether he favored appropriating the excess collections, estimated, on the basis of careful calculations, at a half million dollars, which, matched with fed-

eral funds, would make approximately one million dollars of additional assistance funds available during the biennium.

The replies I received indicated that a substantial majority of the members of the legislature favored a special session for this purpose. However, some replies expressed doubt that it was reasonable to expect the collection of half a million dollars in excess of the appropriation. Because of this doubt, it was felt by your governor that a joint meeting with your Legislative Council to discuss this matter was desirable and I addressed a letter to Senator Thomas, Chairman of the Council, which read in part as follows:

"Obviously no one can say what amount of money will be collected for assistance during this biennium with absolute certainty any more than it can be said what amount will be collected in property taxes or any other taxes, the income from which is used to meet appropriations made for the biennium.

"In order to clarify this matter, it has occurred to me that it might be helpful if the Legislative Council would go over this matter with me to the end that we might reach a final judgment on what could reasonably be expected in the way of revenue during the biennium from the various sources for state assistance. Suggestion has been made that any increase, if appropriated, should apply particularly to the winter months and a discussion along this line might be mutually advantageous as between the executive and the legislative council representing the legislative branch. I feel that such a conference would serve a constructive purpose."

Conferences were held on December 18th and 19th, and following them the Legislative Council adopted the following resolutions:

"Mr. Chairman: I move that, based upon past collections from sources for state assistance during the past biennium and so far the present biennium, it is the opinion (judgment) of the Legislative Council that the sum of \$480,000.00 can reasonably be expected to be collected from these sources during the biennium, over and above the amount now appropriated for the biennium for that purpose.

"Mr. Chairman: I move that the Legislative Council hereby recommends that a special session of the Legislature be called for the purpose of increasing the appropriation for assistance activities, and for the consideration of such other matters as the governor may consider necessary at such special session.

"Mr. Chairman: I move the appointment of a committee of three from this Council to cooperate with the governor in the preparation of the necessary bills, prior to the convening of the special session, if one is called."

In view of this unanimity of opinion between the legislature, as represented by your Council, and the governor, I issued a call for an extraordinary session of the Legislature to consider not only the assistance appropriation but also certain related items and other matters of an emergency nature that arose subsequent to the adjournment of the regular session.

The items related to the subject of assistance include the provision for liens against real estate owned by recipients of assistance, and the provision for the expense of burial of such recipients. With regard to the former, it has been found since you adjourned in June that the law makes no provision for the release of liens filed by the state against real estate owned by those on the assistance rolls. It can readily be seen that a condition of this kind ought to be rectified in the interest of justice and equality, and also in order to avoid chaotic conditions with respect to the abstracting of real estate titles.

While there appears to be no doubt that the Legislature intended to provide that the counties should bear the expense of burial of the indigent, there is, in the opinion of the attorney general, great doubt as to the sufficiency of the law to accomplish this purpose. Because of this, I have included in the call provision for clarifying the present statutes with reference to responsibility for the burial of indigent persons.

As a result of a recent decision of the Nebraska Supreme Court, it becomes necessary to amend the statutes to provide for the service of process on the State of Nebraska and governmental agencies created by the state and to invest the courts with jurisdiction in claims for benefits under the Workmen's Compensation Act against the state and governmental agencies created by the state.

Without such amendment, public employees would be barred, by a technicality, from receiving compensation benefits. This would be contrary to the intent of the law. Certain it is that public employees should be given the same advantages that are extended to private employees, particularly since these advantages are provided for by law.

Since the adjournment of the legislature, the Congress of the United States has changed the social security act with reference to unemployment compensation, in important respects. The principal amendments provide that salaries in excess of \$3,000.00 are exempt from the operation of the law, and that national banks and certain other instrumentalities of the government be included in the operation of the act. In justice both to employees and to employers our unemployment compensation law should be made to harmonize with the federal law as amended by the 1939 federal legislation.

It is fortunate that in Nebraska the state expenditures for the ad-

ministration of the assistance program have been held to a very low minimum. The law limits the cost of state administration to two per cent. In actual practice, however, the cost of state administration of the assistance program is only 1.44 per cent, well below the maximum permitted by law. Thus, those in need are benefited to the greatest extent possible.

I wish to emphasize that making available all assistance revenue for use during this biennium will not involve any increase in taxation. The suggested legislation merely contemplates the making available for old age assistance and for aid to dependent children all of those funds being contributed for those purposes by the taxpayers of the state. A measure of tax relief will be provided by the enactment into law of the amendments to the unemployment compensation act, because this will permit Nebraska employers to take advantage of benefits conferred by federal law.

Requests have been made for the inclusion in the call of many other items. I felt, however, that at an extraordinary session of the Legislature consideration should be given only to those matters which, because of changed conditions since the regular session, are of such an emergency nature as to warrant a special session.

The committee of the Legislative Council appointed to cooperate in drafting bills consisted of Senator Callan, Chairman, Speaker Diers and Senator Hall. Under the direction of this committee and the governor, with the assistance of the attorney general's office and other counsel employed by the state, bills have been prepared covering the subjects contained in the call. I am submitting these measures herewith and I recommend their passage. A humanitarian purpose will be served by the early enactment of the measure making additional assistance funds available during the winter months. The month of January is one of the most severe, and is already at hand. The department of assistance is of the opinion that it will be possible to increase the individual assistance allotments for the month of January provided the consideration of this measure is completed by January 10th. The emergency character of the other proposals submitted for your attention likewise makes their speedy enactment most desirable. I therefore urge that these matters receive your expeditious consideration consistent with proper deliberation.

Respectfully submitted,

(Signed) R. L. Cochran,
Governor.

Communication

The Clerk read a letter from Chancellor C. S. Boucher of the Uni-

versity of Nebraska setting out the basketball schedule and enclosing two tickets for each member.

MOTION—Clerk to Furnish Supplies

Mr. President: I move that the Clerk be authorized to furnish supplies for the Legislature. (Signed) Garber.

The motion prevailed.

MOTION—Stamps for Members

Mr. President: I move that each member of this body be furnished postage stamps in the same amount per diem as during the regular session. (Signed) Van Diest.

The motion prevailed.

MOTION—Committee to Consult Attorney General

Mr. President: I move that the Chair appoint a committee of three to consult the Attorney General regarding the subject of appropriations contained in the Governor's letter of January 2, 1940. (Signed) Rossiter.

The motion prevailed and the President appointed the following members to serve on said committee:

Rossiter	Ashmore	Schultz
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Committee Meetings

Mr. Carsten requested the Committee on Legislative Administration to meet immediately upon recess by the body.

Mr. Amos Thomas requested the Committee on Judiciary to meet immediately upon recess by the body.

Recess

At 11:20 a. m. on motion by Mr. Carsten the Legislature recessed until 2:00 p. m.

After Recess

The Legislature reconvened at 2:00 p. m. President Johnson presiding.

The roll was called and all members were present except Mr. Mueller who was excused.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 1. In Memory of Jay Hastings.

Jay Hastings, of Osceola, Polk County, Nebraska, a member of this body, died at Omaha on the Fourteenth day of November 1939.

He was sixty-six years of age at the time of his death and had served Nebraska as a Legislator during the bicameral session of 1935, and the unicameral session of 1939.

WHEREAS, the sudden death of Jay Hastings has brought to his many friends in Nebraska, and particularly to his associates in the Legislature, a feeling of sadness and regret, and it is the desire of this body to render tribute to his memory, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That this Legislature pause for a moment in its deliberations to do reverence and pay tribute to the memory of Jay Hastings, a distinguished and useful public servant, both in his own community and as an able and energetic member of this body—highly sympathetic to the needs of the aged and unfortunate, a militant crusader for, and defender of, the rights of the common people.

2. That the deepest sympathy is hereby tendered to the bereaved family of the deceased; that a copy of this resolution be spread at large upon the Legislative Journal; and that a copy of this resolution, properly authenticated and suitably engrossed, be, by said Clerk, sent to the family of Jay Hastings, as a lasting memorial and testimonial of the appreciation of this state for his service as a citizen and a Legislator, and as a mark of the love and esteem which he held in the hearts of his associates.

Harry E. Gantz,
Chairman
Swan Carlson

Sam Klaver
Frank Sorrell
M. E. Westley

MOTION—To Suspend Rules and Adopt Resolution

On motion by Mr. Gantz the rules were suspended and the resolution adopted by a vote of 40 ayes, no nays, 3 not voting.

The Legislature paused in its deliberations for a moment to pay silent tribute to the memory of Mr. Hastings.

The Legislature was at ease for fifteen minutes.

BILLS ON FIRST READING

The following bills were read the first time by title:

LEGISLATIVE BILL NO. 1. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act appropriating to the Board of Control of state institutions for the State Assistance Fund for the unexpired portion of the biennium ending June 30, 1941, revenues arising and accruing under existing statutes in excess of the amount heretofore appropriated, providing for what purposes and in what manner the same may be distributed and how much distributions may be accommodated to the need of recipients during the winter months, to amend Section 68-260 Compiled Statutes, Supplement 1939, and to repeal said original section, and to declare an emergency.

LEGISLATIVE BILL NO. 2. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Sections 68-268, 68-270, 68-413 and 68-416 Compiled Statutes, Supplement 1939, relating to public welfare, social security and to liens upon the property of recipients of assistance; to fix the time when such liens shall attach; to provide how they may be released; to repeal said original sections and to declare an emergency.

LEGISLATIVE BILL NO. 3. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Sections 68-266, 68-410 and 43-518 Compiled Statutes, Supplement 1939, relating to public welfare and social security; to provide that reasonable funeral and burial expenses for dependent children and recipients of old age assistance and blind assistance upon death, shall be paid by the county boards of the proper counties from money other than that received from the state assistance fund; to repeal said original sections and to declare an emergency.

LEGISLATIVE BILL NO. 4. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to provide in what manner, and in what court, suits shall be brought against the state and governmental agencies created by the state, upon claims for compensation benefits under the Nebraska workmen's compensation law; to provide for service of summons upon the state in such suits; and to declare an emergency.

LEGISLATIVE BILL NO. 5. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Section 48-702 of the Compiled Statutes, Supp., 1939, relating to labor and unemployment compensation, to repeal said Section 48-702 of the Compiled Statutes, Supp., 1939, as now existing, and to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that Legislative Bills numbered 1, 2, 3, 4 and 5 be read the second time. (Signed) Callan, Diers.

The motion prevailed with 42 ayes, no nays, 1 not voting.

BILLS ON SECOND READING

The following bills were read the second time by title:

(For titles see Bills on First Reading)

L.B. No.	Introducer	Committee Reference
1	Callan, Diers, Hall	Appropriations
2	Callan, Diers, Hall	Government
3	Callan, Diers, Hall	Public Health and Miscellaneous Subjects
4	Callan, Diers, Hall	Judiciary
5	Callan, Diers, Hall	Public Works

MOTION—To Suspend Rules on Notice of Hearings

Mr. President: I move that we suspend the rules and dispense with the usual five days notice of hearing on L. B. 1, 2, 3, 4 and 5. (Signed) Gutoski.

The motion prevailed with 41 ayes, no nays, 2 not voting.

NOTICE OF COMMITTEE HEARINGS

Appropriations

L. B. No. 1, Friday, January 5, 1940, 2:00 p. m.

Government

L. B. No. 2, Friday, January 5, 1940, 10:00 a. m.

Public Health and Miscellaneous Subjects

L. B. No. 3, Friday, January 5, 1940, 3:00 p. m.

Judiciary

L. B. No. 4, Thursday, January 4, 1940, 2:00 p. m.
in Supreme Court Commission Room.

Public Works

L. B. No. 5, Wednesday, January 3, 1940, 2:00 p. m.

MOTION—To Call Mr. Vandemoer and Mr. Eubank

Mr. President: I move that Mr. Vandemoer and Mr. Eubank be called before this body to discuss the assistance program Thursday at 10:30 a. m. (Signed) Callan.

The motion prevailed.

Adjournment

At 3:00 p. m. Mr. Schultz moved that the rules be suspended and that the Legislature adjourn until Wednesday, January 3, at 10:00 a. m.

The motion prevailed with 38 ayes, no nays, 5 not voting.

Hugo F. Srb,
Clerk of the Legislature.